



United States Department of Transportation
TRANSPORTATION SECURITY ADMINISTRATION

400 Seventh Street, S.W.
Washington D.C. 20590

NOV 19 2002

The Honorable Ernest F. Hollings
Chairman, Committee on Commerce,
Science and Transportation
United States Senate
Washington, D.C. 20510-6125

Dear Mr. Chairman:

The Aviation and Transportation Security Act (ATSA), Section 110 (d)(2) requires a report "on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements."

The Transportation Security Administration (TSA) is taking a risk-based, systems approach to develop or refine existing measures and implement all screening and other security requirements assigned by the ATSA. At airports, we are utilizing a "system of systems" approach to analyze comprehensive security measures from the terminal entrance through the screening checkpoints to the aircraft door, and from the airport perimeter gate through the air operations or secure area to the aircraft cargo and baggage hold.

As we have refined TSA security measures over the past year, the size of an aircraft has not always been the decisive factor in deciding what type of security is appropriate. For example, the type of service – scheduled or charter – and whether that service is routed through a commercial airport with a sterile area have also been relevant variables for deciding appropriate security. Security measures are constantly being updated, reassessed, and refined by TSA based upon the current threat analysis.

In response to the requirement of Section 110 (d) (2), however, I submit the following list of current security requirements:

- Scheduled and public charter passenger operators of aircraft with a seating configuration of 61 or more seats, and scheduled and public charter passenger operations with a seating configuration of 60 or fewer seats that enplane or deplane passengers into a sterile area must implement a full security program that includes screening passengers and baggage at all locations where they operate.

- Scheduled and public charter passenger operators of aircraft with a seating configuration of 31 through 60 seats that do not enplane or deplane into a sterile area, and scheduled and public charter passenger operators of aircraft with a seating configuration of 60 or fewer seats engaged in operations to, from, or outside the United States that do not enplane or deplane into a sterile area must have security programs in place. These programs do not require screening unless (1) a threat to the operation has been identified by TSA and the operator has been notified in writing, or (2) they enplane from or deplane into an airport sterile area. Most airlines operating this class of aircraft feed into major hubs and, therefore, have security programs and perform screening.
- Scheduled and public charter passenger operations of aircraft with 30 seats or less are not required to have a security program at this time, unless they enplane from or deplane into an airport sterile area.
- Effective February 1, 2003, TSA will require aircraft operators who are not already operating under a security program and are using aircraft weighing 12,500 pounds or more to implement a security program that includes: (1) fingerprint-based criminal history records checks on their flight crews, and (2) restricted access to the flight deck. This regulation and the security programs will apply to all-cargo and passenger aircraft, some seating less than 20 passengers. Also, scheduled and charter (public and private) passenger operations that are not already covered by a security program must adhere to this program. Implementation of the security program required by the February 22, 2002, final rule was delayed from December 1 to February 1, 2003, especially to allow small aircraft operators, often in remote locations, more time to comply.

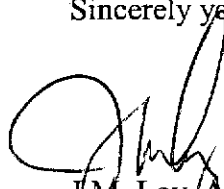
The Private Charter Security Rule published on June 19, 2002, requires operators of certain larger aircraft to ensure that passengers and accessible property are screened prior to departure. Private charter aircraft that enplane from or deplane into an airport sterile area, regardless of their size, are currently required to screen passengers and their baggage. This rule was effective on August 19, but an additional comment period was added on August 28 to allow for review and comment through October 30, 2002, on TSA's proposed security program. As a result, the security program and other aspects of the rule are being reviewed and revised by TSA.

Also relevant to some aircraft of this size are strengthened cockpit doors, better trained crews, and expanded use of Federal Air Marshals to protect aircraft. TSA is improving prevention systems by reconfiguring checkpoints to better serve passengers and determining the best location for explosives detection, metal detection, x-ray, and other security equipment to provide more effective and efficient screening. We believe effective security can be accomplished hand-in-hand with smooth, unimpeded movement through screening checkpoints.

Improved airport perimeter access security will enhance the security of all aircraft regardless of size. As required, we are establishing pilot programs in no fewer than 20 airports to test and evaluate emerging technology--such as biometrics--to provide access control and other security protections for secure areas of airports. Results will assist TSA and airport decision makers using the risk-based approach to develop performance standards and regulatory requirements, and determine product suitability. In addition, by December 6, 2002, fingerprint-based criminal history record checks will be completed or in process on all screeners, employees granted unescorted access to secure areas or other employees performing security functions at all U.S. airports in accordance with ATSA Section 138 (a). TSA will also continue to work with industry to develop voluntary security measures that will improve security of airports and aircraft of all sizes.

TSA will continue to evaluate and assess risk in the overall aviation system and identify ways to improve security for all scheduled commercial aircraft. I am providing an identical copy of this letter to the Chairman of the Committee on Transportation and Infrastructure of the House.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'J.M. Loy', written over a circular stamp.

J.M. Loy, ADM
Acting Under Secretary of
Transportation for Security